

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LISA A. JACOBS,)
Plaintiff,)
)
v.) C.A. No. 14-12536-LTS
)
DAVID SOARS, et al.,)
Defendants.)

LISA A. JACOBS,)
Plaintiff,)
)
v.) C.A. No. 14-12537-LTS
)
DEBORAH DAVENPORT, et al.,)
Defendants.)

ORDER ON RENEWED MOTIONS TO PROCEED IN FORMA PAUPERIS

SOROKIN, D.J.

For the reasons stated below, the Court denies plaintiff's renewed motions for leave to appeal in forma pauperis and certifies, pursuant to 28 U.S.C. § 1915(a), that plaintiff's appeals are not taken in good faith..

DISCUSSION

By Orders dated May 20, 2015, plaintiff's motions for leave to appeal in forma pauperis were denied because plaintiff failed to provide statements of the issues on appeal as required by Rule 24(a)(1)(c). In response to the May 20th Orders, plaintiff filed motions accompanied by two exhibits: (1) a financial affidavit and (2) an affidavit listing the issues that she plans to present on appeal. Although plaintiff has now presented to this Court a statement of the issues on appeal, she has not shown that there is a non-frivolous issue to be litigated on appeal by addressing the bases for the Court's dismissal of these two actions.

The in forma pauperis statute, 28 U.S.C. § 1915(a)(3), provides, that an appeal may not

be taken in forma pauperis "if the trial court certifies in writing that it is not taken in good faith." In considering Jacobs request to proceed in forma pauperis, the court's discretion is limited to determinations of poverty and objective good faith. Kinney v. Plymouth Rock Squab Co., 236 U.S. 43, 46, 35 S.Ct. 236, 59 L.Ed. 457 (1915). A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when judged under an objective standard. See Coppedge v. United States, 369 U.S. 438, 445, 82 S.Ct. 917, 921, 8 L.Ed.2d 21 (1962). The "good faith" requirement is designed "to ensure that judicial and public resources are not expended needlessly on an appeal which has no basis in law or fact." In re Heghmann, 324 B.R. 415 (1st Cir. 2005) (Bankruptcy Appellate Panel). Here, many of the same considerations that led the Court to dismiss these actions now compels the conclusion that plaintiff's appeals are not taken in good faith.

CONCLUSION

Based on the foregoing, the Court denies plaintiff's renewed motions for leave to appeal in forma pauperis and certifies, pursuant to 28 U.S.C. § 1915(a), that plaintiff's appeals are not taken in good faith. Further requests to proceed on appeal in forma pauperis should be directed on motion to the United States Court of Appeals for the First Circuit in accordance with Rule 24(a)(5) of the Federal Rules of Appellate Procedure.

SO ORDERED.

June 4, 2015
DATE

/s/ Leo T. Sorokin
LEO T. SOROKIN
UNITED STATES DISTRICT JUDGE